

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: July 10, 2018

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DEITRA CURRY,

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No. 16-68V

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Petitioner,

*

Special Master Sanders

*

v.

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*

SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

Attorneys' Fees and Costs; Reasonable

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Amount Requested

*

Respondent.

*

* * * * *

Maximillian J. Muller, Muller Brazil, LLP, Dresher, PA, for Petitioner.

Debra A. Filteau Begley, United States Department of Justice, Washington, DC, for Respondent.

DECISION¹

On January 12, 2016, Deitra Curry ("Petitioner") filed a petition for compensation pursuant to the National Vaccine Injury Compensation Program.² 42 U.S.C. §§ 300aa-10 to -34 (2012). Petitioner alleged that the influenza ("flu") vaccine she received on November 11, 2014 caused her to develop chronic inflammatory demyelinating polyneuropathy ("CIDP"). ECF No. 47. On April 2, 2018, the undersigned issued a decision awarding Petitioner compensation pursuant to the parties' stipulation. *Id.*

On May 23, 2018, Petitioner submitted an application for attorneys' fees and costs. ECF No. 52. Petitioner requested \$30,629.00 in attorneys' fees and \$8,226.45 in costs, for a total of \$38,855.45. *Id.* at 2. Respondent submitted a Response to Petitioner's motion on June 6, 2018. ECF No. 53. Respondent indicated that "[t]o the extent the special master is treating [P]etitioner's request for attorneys' fees and costs as a motion that requires a response from [R]espondent[,]. . . Respondent is satisfied the statutory requirements for an award of attorneys'

¹ This decision shall be posted on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2012)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b).

² National Childhood Vaccine Injury Act of 1986, Pub L. No. 99-660, 100 Stat. 3755. Hereafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

fees and costs are met in this case.” *Id.* at 2. Respondent requested for the undersigned to exercise her discretion and determine a reasonable award for attorneys’ fees and costs. *Id.* at 3. Petitioner did not submit a Reply. *See* Docket Rep.

The undersigned has reviewed the detailed records of time and expenses of Petitioner’s counsel and finds that they are reasonable. In accordance with the Vaccine Act, § 15(e), the undersigned finds that Petitioner is entitled to attorneys’ fees and costs. **Accordingly, the undersigned hereby awards the amount of \$38,855.45,³ in the form of a check made payable jointly to Petitioner and Petitioner’s counsel, Maximillian J. Muller of Muller Brazil, LLP.** In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court shall enter judgment in accordance herewith.⁴

IT IS SO ORDERED.

s/Herbrina D. Sanders
Herbrina D. Sanders
Special Master

³ This amount is intended to cover all legal expenses incurred in this matter. This award encompasses all charges by the attorney against a client, “advanced costs” as well as fees for legal services rendered. Furthermore, § 15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. *See generally Beck v. Sec’y of Health & Human Servs.*, 924 F.2d 1029 (Fed. Cir. 1991).

⁴ Entry of judgment can be expedited by each party’s filing of a notice renouncing the right to seek review. Vaccine Rule 11(a).